

11/17/2004

Missile Defense Agency  
Ballistic Missile Defense System PEIS  
c/o ICF Consulting  
9300 Lee Highway  
Fairfax, VA 22031

Dear Mr. Lehner,

In accordance with our responsibilities under Section 309 of the Clean Air Act and the National Environmental Policy Act (NEPA), the Environmental Protection Agency (EPA) has reviewed the Missile Defense Agency's (MDA) Ballistic Missile Defense System (BMDS) Draft Programmatic Environmental Impact Statement (DPEIS) (CEQ # 040438).

The DPEIS identifies, evaluates and documents, at the programmatic level, the potential environmental impacts of activities associated with the development, testing, deployment, and planning for the eventual decommissioning of the BMDS. It considers the current technology components, support assets, and programs that make up the proposed BMDS as well as the development and application of new technologies.

EPA commends the efforts that MDA has commenced in producing such a comprehensive and well organized document. We also appreciate your efforts in utilizing the extensive environmental analysis that is available for many of the existing components of the proposed BMDS. Based on our review of the DPEIS, we have rated the document as LO - Lack of Objections (see attached "Summary of EPA Rating System"). Although EPA has no objections to the proposed action, there are a few issues that should be clarified.

1) General Comments:

a. To assess the impacts of implementing the proposed BMDS, the DPEIS characterized the existing condition of the affected environment in the locations where various BMDS implementation activities are proposed to occur. MDA has determined that activities associated with the proposed BMDS might occur in locations around the world. Therefore, the affected environment has been considered in terms of global biomes, broad ocean areas, and the atmosphere. This has resulted in the DPEIS being very conceptual and general in nature. EPA understands that once potential BMDS locations are determined, more detailed site-specific documents will be prepared. Through the discussions on the "block approach" or the "block development process", the DPEIS has given clear indications of when follow-on NEPA analysis will occur. We agree with this approach. However, while the documents give representative examples of past, current, or proposed locations where proposed activities may occur within each biome, EPA recommends that the EIS discuss the criteria that MDA will use in making future decisions for site-specific locations.

b. The resource areas considered in this analysis are those resources that MDA believes can potentially be affected by implementing the proposed BMDS. EPA agrees that some resource areas are site-specific or local in nature and, therefore, cannot be effectively analyzed in this type of programmatic document and that the potential impacts on these resources are more appropriately discussed in subsequent site-specific documentation tiered from this PEIS. However, EPA recommends that the final document discuss the existence of multiple species habitat conservation planning efforts that are proximate to DoD lands and the potential impacts of debris on marine and aquatic ecosystems.

c. As suggested by CEQ regulations, MDA has taken advantage of the extensive environmental analyses that already exist for many of the existing components of the proposed BMDS by incorporating these materials into the DPEIS by reference. However, some of these documents are greater than 10 years old. The PEIS should confirm the validity of the information in these documents.

## 2) Perchlorate:

a. Because there have been differing interpretations of the science associated with the impact on human health from low level exposure to perchlorate and in the interest of resolving scientific questions, EPA, the Department of Defense, the Department of Energy, and the National Aeronautics and Space Administration - members of a broader Interagency Working Group on Perchlorate led by the Office of Science and Technology Policy - have referred scientific issues and EPA's 2002 Draft Health Assessment on Perchlorate to the National Academy of Science (NAS) for review. NAS is currently conducting a study to determine the best science and model to use for determining the health impacts and standards for perchlorate. A report on this study is expected to be completed by the end of 2004. EPA recommends that the results of the report be incorporated into the FPEIS.

We appreciate the opportunity to review this DPEIS. We also look forward to reviewing the FPEIS related to this project. The staff contact for the review is Marthea Rountree and she can be reached at (202) 564-7141.

Sincerely,  
/S/

Anne Norton Miller  
Director  
Office of Federal Activities

Enclosure: Summary of Rating Definitions